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8 Attorneys for Plaintiff

9 VAL POPESCU

10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 VAL POPESCU, an individual;

13 Plaintiff,

14 vs.

15 4ACCESS COMMUNICATIONS  
16 COMPANY, a Delaware corporation, and  
17 DOES 1 through 10, Inclusive

18 Defendants.

Case No. 08 CV 525 JM (RBB)

**PLAINTIFF'S EX PARTE APPLICATION  
FOR ONE DAY EXTENSION OF DUE  
DATE FOR FILING OF OPPOSITION TO  
DEFENDANT'S MOTION TO DISMISS  
FOR IMPROPER VENUE**

Hearing Date: May 30, 2008

Time: 1:30 p.m.

Court: 16 (Hon. Jeffrey T. Miller)

19 **EX PARTE APPLICATION FOR EXTENSION**

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22 Plaintiff Val Popescu ("Plaintiff") submits this ex parte application ("Application") to  
23 request a short one-day extension of the due date for Plaintiff's opposition to Defendant's pending  
24 motion to dismiss Plaintiff's first amended complaint for improper venue. Plaintiff's opposition to  
25 such motion currently is due to be filed on May 16, 2008. By this Application, Plaintiff  
26 respectfully asks the Court to extend such deadline for one day, to May 19, 2008.  
27

1 This request for a continuance has been made necessary because Plaintiff's counsel was  
 2 not able to complete and file Plaintiff's opposition papers by the current May 16 due date because  
 3 of the illness of counsel. Such illness provides good cause for the short one-day extension sought  
 4 by this Application. Accordingly, Plaintiff respectfully asks the Court to extend to May 19, 2008  
 5 the due date for Plaintiff's opposition papers. The factual basis for this Application is set forth in  
 6 the accompanying Declaration of Gregory P. Goonan.

7 LOCAL RULE 83.3(h)

8 In accordance with Local Rule 83.3(h), the undersigned attorney hereby certifies and  
 9 declares under the penalty of perjury that this Application was filed with the Court by the Court's  
 10 ECF/CM system, and served on Defendants' counsel by operation of the ECF/CM system.

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 13 DATED: May 16, 2008

THE AFFINITY LAW GROUP APC

14  
 15 By: /s/ Gregory P. Goonan

Gregory P. Goonan

Attorneys for Plaintiff

VAL POPESCU

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 20 DECLARATION OF GREGORY P. GOONAN

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 22 1. I am an attorney duly licensed to practice law in the State of California and before this  
 23 Court, and am a shareholder in The Affinity Law Group APC, attorneys of record for Plaintiff. I  
 24 have personal knowledge of the facts set forth in this declaration and if called as a witness, I could  
 25 and would testify competently thereto.

26 2. The current due date for Plaintiff's opposition to Defendant's pending motion to  
 27 dismiss Plaintiff's first amended complaint for improper venue is May 16, 2008. I began working  
 28 on Plaintiff's opposition papers shortly after Defendant filed its motion. It had been my plan to

1 finish work on Plaintiff's papers on May 15 and May 16, and then file Plaintiff's opposition  
2 papers on May 16.

3 3. Unfortunately, however, I came down with a case of the stomach flu and as a result was  
4 not able to work on Plaintiff's opposition papers on May 15 at all, and only for a short time on  
5 May 16. Because of such illness, I was not able to complete and file Plaintiff's opposition papers  
6 on May 16, 2008. Accordingly, by this Application, Plaintiff requests a short one-day extension  
7 of time to May 19, 2008 to file Plaintiff's opposition papers.

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10 I declare under the penalty of perjury under the laws of the United States of America that  
11 the foregoing is true and correct. Executed on May 16, 2008 at San Diego, California.

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14 /s/ Gregory P. Goonan  
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**Certificate of Service**

The undersigned hereby certifies that on this 16<sup>th</sup> day of May 2008, a true and accurate copy of the attached document was electronically filed with the Court, to be served by operation of the Court's electronic filing system, upon the following:

Douglas J. Rovens  
Jeffrey S. Renzi  
Squire Sanders & Dempsey LLP  
555 South Flower Street, Suite 3100  
Los Angeles, CA 90071-2300  
Attorneys for Defendant 4Access Communications Company

**/s/ Gregory P. Goonan**  
Gregory P. Goonan